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09/992,126	11/05/2001	William H. Rogers	33034US1	4648

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EXAMINER

LE, UYEN T

ART UNIT PAPER NUMBER

2171

DATE MAILED: 10/06/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,126

Applicant(s)

ROGERS, WILLIAM H.

Examiner

Uyen T Le

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) 7 and 9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

2. The title is objected to because it is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

3. Claims 1-5, 10, 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to

Art Unit: 2171

which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not describe and define the claimed SParseR.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention because

- it is not clear what applicant intend to mean by "SParseR" at claims 1-5, 10, 11
- claim 1, line 27 "said SParseR" is ambiguous. Note applicant previously mentions SParseR commands and SParseR application
- it is not clear what applicant mean by "retrieving retrieved data" at claims 6, 7, 8, 9.

The art rejection of claims 1-11 is applied as best understood in light of the rejection under 35 U.S.C. 112, first and second paragraphs discussed above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 4, 6, 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Baber et al (US 6,564,259).

Regarding claim 1, Baber discloses a system for generating display presentations on a user computer (see the abstract). Note the claimed communication network, web server (see Figure 4), HTML template (see Figures 16, 30), servlet engine (see Fig 30, column 15, lines 41-46). The claimed SParsemer merely interpretes said HTML template, thus is clearly present in the system of Baber. The claimed database server is met by elements 30, 46 (see Figure 4). Claim 1, lines 27-36 are met when Baber shows that the system generates web page with embedded links (see Figures 4-6).

Regarding claim 2, Baber discloses applets for graphs, tables and multimedia (see column 6, lines 17-31).

Regarding claim 4, Baber discloses said template including title information, descriptive data and Java Script code (see Figure 30).

Regarding claim 6, Baber discloses a method for generating a web page for display on a user computer (see the abstract). Note the step of receiving a web page request, executing a servlet corresponding to the request, retrieving data, executing commands in a template and serving the page (see Figures 1-4, columns 2-6).

Claim 8 corresponds to a system for claim 6, thus is rejected for the same reasons stated in claim 6 above.

Art Unit: 2171

6. Claims 10, 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Griffin et al (US 6,442,714).

Regarding claim 10, Griffin discloses a method for generating a plurality of display presentations on a user computer (see the abstract). Note the claimed HTML template (see column 5, lines 22- column 6, line 48), HTML test page (see Figures 1, 2). The claimed data-enhanced test page merely reads on the fact that any test page includes data for testing. Furthermore, any HTML template is clearly designed by a style programmer. Note that the claimed instructions are merely required to be "capable" of utilizing said applet but are not actually used for performing any operations. Thus, claim 10 is met by the fact that the method of Griffin receives web page requests and generates web pages for test data as desired by users via appropriate HTML templates (see the whole document, Figures 1-7).

Claim 11 corresponds to a system for claim 10, thus is rejected for the same reasons stated in claim 10 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baber et al (US 6,564,259).

Regarding claim 3, Baber discloses the claimed template, sample and administrative and normative database (see Figures 10-30). Although Baber does not specifically show a survey data database, it would have been obvious to one of ordinary skill in the art to include any database as required by users' application.

Regarding claim 5, the claimed elements have to be present for the system of Baber to operate. Furthermore, although Baber does not specifically show issuing SQL statements as claimed, it would have been obvious to one of ordinary skill in the art to include such features in order to use a readily available tool to query relational databases.

Allowable Subject Matter

8. Claims 7, 9 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph discussed above. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not disclose or make obvious a method and system for generating a display presentation on a user computer including retrieving an HTML template corresponding to an executed servlet, interpreting said template by retrieving survey data and normative data for generating custom display representation, stripping test data from the template, embedding some portion of retrieved data in the template wherein some further portion of some portion of said retrieved data replaces the stripped test data, in combination with all the limitations recited in claim 7, 9.

Conclusion

Art Unit: 2171

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Caughan et al (US 6,381,604) teach a test information management system.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen T Le whose telephone number is 703-305-4134.

The examiner can normally be reached on M-F 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Uyen Le
Primary Examiner
AU 2171

30 September 2003